

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46409 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -BHAGWAN BAZAR District- SARAN

1. Arbind Rai, Son of Lallan Rai,
2. Sunil Kumar Rai, S/o Sukhari Rai,
3. Arjun Rai, S/o Sukhari Rai, Residents of Village- Ratanpura, Near Ahir
Toli, P.S.- Bhagwan Bazar, District- Chhapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 19-11-2016 Heard Mr. Yashraj Bardhan, counsel for the petitioner
and Mr. Umesh Lal Verma, APP for the State.

The three petitioners pray for grant of bail in Bhagwan
Bazar P.S. case No.57 of 2016 registered under Sections
307/302/34 I.P.C.

The allegation in the first information report is that three
accused persons intercepted the motorcycle and started quarrelling
whereafter the informant escaped from there and called his two
friends. All of them thereafter started searching those persons. It is
alleged that as they reached nearby village, the petitioners along
with two accuseds surrounded them and started assaulting with
knife in which the informant and one Ashish Sharma received

injuries. Ashish Sharma later died while being carried to the Hospital.

Learned counsel for the petitioners referring to the paragraph 10 and some other paragraphs of the case diary submits that the witnesses have specifically alleged that petitioner No.1 inflicted 3-4 knife blows to the deceased, whereas petitioner No.2 is said to have inflicted knife blow to the informant. There is however no allegation of causing any injury to the deceased or the injured attributed to petitioner No.3. The petitioners are languishing in jail since June, 2016 having no criminal antecedents. He also submits that the statement made by the witness and recorded in the case diary are simply afterthought.

Learned counsel for the State, on going through the case diary, has not disputed the said contention.

Considering the allegation levelled in the F.I.R. and other materials reflected from the case record as also investigation report, I am not persuaded to extend the privilege of bail to the petitioner Nos.1 and 2. Their prayer for bail is rejected.

Let the petitioner No.3 above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chhapra in connection with Bhagwan

Bazar P.S. case No.57 of 2016, subject to the conditions :

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Narendra/-

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